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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,933	11/24/2003	Mahesh Rajagopalan	03-1027	5242

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EXAMINER	
KIANERSI, MITRA	

ART UNIT	PAPER NUMBER
2445	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/720,933	RAJAGOPALAN ET AL.	
	Examiner	Art Unit	
	Mitra Kianersi	2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05Jan2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-68* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-68* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11242003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1/5/09;7/22/08;7/20/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Arguments

Applicant's arguments filed 01/05/2009 have been fully considered but they are not persuasive.

Paragraph [A]: Applicant on page 27, lines 12-16 argues that Cruikshank does not disclose or suggest "sending a notification of a collaboration request to a device associated with the calling party based on the response". Examiner's reply: Cruikshank in [0029] discloses that if the voice messaging server is aware that the handheld device is in communication with the instant messaging server, the voice messaging server may have occasion to act as an instant messaging client. Upon the arrival of a new voice message for the user of the handheld device, the voice messaging server may send an indication to the user of the handheld device that a new voice message has arrived. This indication may be sent through communication via the instant messaging server. The indication may be simply "You have 1 new voice message." However, additional detail associated with the voice message may also be sent to enhance the indication. For instance, "You have a new voice message from Bob Smith at ABC 123 Inc." Further enhancements to the indication may include a speech-to-text transcription of the voice message or, given enough bandwidth on the connection between the handheld and the data network and the message file.

Paragraph [B]: Applicant on page 28, lines 5-7 argues that Bernnan et al. fails to teach or suggest "sending a notification of a collaboration request to a device associated with the calling party based on the response". Examiner's reply: Bernnan et al. in [0010] provides a method for handling a synchronous call attempt (collaboration between first user or called party and the second user or calling party) from a calling party to a called party that includes monitoring a synchronous call attempt from the calling party to the called party, detecting an indication (like notification) from the calling party that the calling party wishes to send a message, determining at least one communication address related to the called party, allowing the calling party to compose a message, and sending the message to the determined communication address. For example, the calling party may wish to send a

drawing by e-mail or the like while continuing the synchronous discussion. The detecting of the indication from the calling party may include detecting the calling party pressing a predetermined key or keys on a communication device or detecting the calling party using a vocal command, and in [0046] indicates that the supervisory system then waits for the calling party to end the message compose session, and the calling party may end the message compose session by, for example, entering DTMF (dual tone multi frequency signal detection) tones, by selecting a "send" button or graphic on a screen of the communication device.

Paragraph [C]: Applicant on page 28, lines 13-24 argues that *Cruikshank* does not teach or suggest "the collaboration request being a request for a collaboration to share data interactively between the called party and the calling party". *Bernnan et al.* also does not teach or suggest "the collaboration request being a request for a collaboration to share data interactively between the called party and the calling party".

The rejection of claims 1-68 are under 35 U.S.C. 103(a) with a prima facie case of obviousness. Therefore, although Cruikshank does not specifically explains the interaction of the shared data between the called and the calling party.

However, Bernnan et al. in [0035] clearly states that when supervisory systems are on a network, it is possible to establish a common shared supervisory system available to both the calling party and called party communication devices. Because collaboration is an act of synergy or Joint work toward a common end. Therefore, in this case the collaboration request is a request for a collaboration to share data interactively between the called party and the calling party.

Because the arguments with respect to the allowableness of independent claims were found unpersuasive, these same arguments are not persuasive with respect to the other dependent claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cruickshank (U.S. Publication No. 2002/0077082) and further in view Bernnan e al. (U.S. Publication No. 2002/0076027).

1. A method, (abstract and [0006], lines 1-9) comprising:

receiving information pertaining to a call to a called party placed by a calling party; [0006], lines 1-9 and [0019], lines 1-6)

sending a notification of the call to a device associated with the called party; ([0029], lines 1-8)

receiving a response to the notification; [0006], lines 1-9 and [0019], lines 1-6)

sending a notification of a collaboration request to a device associated with the calling party based on the response; the collaboration request being a request for a collaboration to share data interactively between the called party and the calling party; (when the supervisory systems 48 are on a network, it is possible for there to be a common shared supervisory system 48 available to both the calling party and called party communication devices 42 with similar function as a request for a collaboration to share data interactively between the called party and the calling party, [0035]-Bernnan et al.) and ([0006], lines 1-9 and [0019], lines 1-6) and connecting the call based on a response to the collaboration request. ([0028], line 1 and [0029], line 18) and [0035].

Cruikshank in [0033] discloses that the user may also wish to forward a voice message without downloading it, based on the `envelope` information. For example, after downloading information about all of the new messages that have arrived since the

handheld was last synchronized, the user may decide that a particular message needs immediate attention by a co-worker and instruct the voice messaging server to forward the message to that person without downloading it first. This reduces the time; cost and resources required to handle new messages.
Cruikshank does not disclose the called party or the calling party, but Bernnan discloses a method for alerting a called party of a voice mail from a calling party via a network comprising a telephone network (Fig. 3, 14), a data network (Fig. 3, 14), and at least one gateway device or supervisory system (Fig. 3, 48) connected to both the telephone network and the data network, with one gateway device including an identifier of the called party and receiving a message including a voice mail message (section 0021, lines 1-9; section 0035, line 1 - section 0036, line 17 section 0045, lines 1-16); and providing a second message in an instant messaging format including the called party identifier and the voice mail message to the called party via the data network (section 0042, lines 1-34; section 0044, lines 15-24; section 0045, lines 1-16; section 0047, lines 1-6). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Cruickshank to include a second called party as taught by Bernnan. One of ordinary skill in the art would have been lead to make such a modification since a SCP can be used to receive an identifier of the calling party (a user of the system) and a voice mail message of a called party, wherein the SCP is in the telephone network and provides the capabilities of voice message forwarding.

2. Claim 2: The method of claim 1, wherein the information pertaining to the call comprises at least one of called number data, calling name data, and calling number data. ([0032] and the name of the certain user)

3. Claim 3: The method of claim 1, wherein sending a notification of the call comprises: retrieving data corresponding to the called party using the information pertaining to the call; Calls may also be addressed using the caller ID information associated with the voice message (e.g., extracted from the MP3 file) so that the user can easily perform a `Call Sender` action. [0032]

selecting a device associated with the called party to receive the notification of the call based on the data corresponding to the called party; and 0006], lines 1-9 and [0019], lines 1-6) and

providing the notification of the call to the selected device for display on the selected device.(The voice message to the user via a display capability, [0036])

4. Claim 4: The method of claim 1, wherein the notification of the call comprises a user-selectable collaboration option. ([0006], lines 1-9 and [0019], lines 1-6)

5. Claim 5: The method of claim 4, wherein the notification of the call is displayed on the device associated with the called party ([0006], lines 1-9 and [0019], lines 1-6) and he voice message to the user via a display capability, [0036])

6. Claim 6: The method of claim 1, wherein sending a notification of a collaboration request comprises: providing the notification of the collaboration request to a device used to place the call for display on the device used to place the call, based on a determination that a response to the notification of the call indicates that a collaboration is requested. ([0030])

7. Claim 7: The method of claim 1, wherein sending a notification of a collaboration request comprises: retrieving data corresponding to the called party using the information pertaining to the call, based on a determination that the response to the notification of the call indicates that a collaboration is requested; [0032]

Selecting a device associated with the called party to receive the notification of the Collaboration request based on the data corresponding to the called party; and

providing the notification of the collaboration request to the selected device associated with the called party for display on the selected device associated with the called party. (The voice message to the user via a display capability, [0036])

8. Claim 8: The method of claim 1, wherein the notification of the collaboration request comprises user-selectable options for accepting and declining the collaboration request. Whether or not a user decides to listen to the message file, the voice message

interface application may allow the user to save the information included in the vCard to an address book application. [0020]

9. Claim 9: The method of claim 1, further comprising, and prior to sending the notification of the collaboration request: launching collaboration between the called party and the called party from the perspective of the called party. [0017]

10. Claim 10: The method of claim 9, the connecting comprising: launching the collaboration between the called party and the called party from the perspective of the called party, based on a determination that the calling party accepts the collaboration request; and connecting the call between the called party and called party. [0032] and [0033]

11. Claim 11: The method of claim 9, the connecting comprising: launching the collaboration between the called party and the calling party from the perspective of the calling party, based on a determination that the calling party accepts the collaboration request, wherein the collaboration includes a data connection and a voice connection... [0032] and [0033]

12. Claim 12: The method of claim 9, the connecting comprising:
launching the collaboration between the called party and the calling party from the perspective of the calling party, based on a determination that the calling party accepts the collaboration request, wherein the collaboration includes a data connection and a videoconferencing connection. [0044-Bernnan et al.]

13. Claim 13: The method of claim 9, the connecting comprising:
ceasing the collaboration launched from the perspective of the called party based on a determination that the calling party declines the collaboration request; and
connecting the call to the called party between the called party and the calling party. [0047-Bernnan et al.]

14. Claim 14: A method, comprising:
receiving information pertaining to a call to a called party placed by a calling party; ([0006], lines 1-9 and [0019], lines 1-6)
sending a notification of the call to a device associated with the calling party; receiving a response to the notification; sending a notification of a collaboration request to a device associated with the calling party based on the response; the collaboration request being a request for a collaboration to share data interactively between the called party and the calling party; (when the supervisory systems 48 are on a network, it is possible for there to be a common shared supervisory system 48 available to both the calling party and called party communication devices 42 with similar function as a request for a collaboration to share data interactively between the called party and the calling party, [0035]-Bernnan et al.) ([0029], lines 1-8)
initiating a collaboration between the called party and the calling party based on a determination that the calling party accepts the collaboration request. [0017]-[0020]

Claims 15, 26, 38 and 51 recite the same limitations as claim 3 and are rejected by the same rational.

Claims 16, 27, 39 and 52 recite the same limitations as claim 4 and are rejected by the same rational
Claims 17, 28, 40 and 53 recite the same limitations as claim 5 and are rejected by the same rational
Claims 18, 29, 41 and 54 recite the same limitations as claim 6 and are rejected by the same rational
Claims 19, 30, 42 and 55 recite the same limitations as claim 7 and are rejected by the same rational.
Claims 20, 31, 43 and 56 recite the same limitations as claim 8 and are rejected by the same rational
Claims 21, 34, 44 and 59 recite the same limitations as claim 11 and are rejected by the same rational.

Claims 22, 35, 45 and 60 recite the same limitations as claim 12 and are rejected by the same rational.

Claims 23, 36, 46 and 61 recite the same limitations as claim 13 and are rejected by the same rational.

Claims 24 and 49 and 65-67, recite the same limitations as claim 1 and are rejected by the same rational.

Claims 25 and 50 recite the same limitations as claim 2 and are rejected by the same rational.

Claims 32 and 57 recite the same limitations as claim 9 and are rejected by the same rational.

Claims 33 and 58 recite the same limitations as claim 10 and are rejected by the same rational.

Claims 37, 62-64 and 68 recite the same limitations as claim 14 and are rejected by the same rational.

15. Claim 47: An apparatus, comprising:

a memory having a program that receives information pertaining to a call to a called party placed by a calling party, sends a notification of the call to a device associated with the called party, receives a response to the notification, sends a notification of a collaboration request to a device associated with the calling party based on the response, the collaboration request being a request for a collaboration to share data interactively between the called party and the calling party; (when the supervisory systems 48 are on a network, it is possible for there to be a common shared supervisory system 48 available to both the calling party and called party communication devices 42 with similar function as a request for a collaboration to share data interactively between the called party and the calling party, [0035]-Bernnan et al.) and connects the call based on a response to the collaboration request; the processor may be adapted to monitor a synchronous call attempt from the calling party to the called party, determine at least one communication address related to the called party, drop the synchronous call attempt to the called party, allow the calling party to compose a message, and send the message to the determined communication address. As above, various particular cases may apply. For example, the

processor may be adapted to determine that the synchronous call attempt to the called party is unsuccessful, which determination may be by detecting an indication from the calling party such as pushing a key or a vocal command. [0009-Bernnan]
a processor that runs the program. There is provided a computer readable medium containing computer executable code which adapts a processor for a communication system to perform this method. [0009]

16. Claim 48: An apparatus for initiating a collaboration between users, comprising: a memory having a program that receives information pertaining to a call to a called party placed by a calling party, sends a notification of the call to a device associated with the calling party, receives a response to the notification, sends a notification of a collaboration request to a device associated with the calling party based on the response, the collaboration request being a request for a collaboration to share data interactively between the called party and the calling party; (when the supervisory systems 48 are on a network, it is possible for there to be a common shared supervisory system 48 available to both the calling party and called party communication devices 42 with similar function as a request for a collaboration to share data interactively between the called party and the calling party, [0035]-Bernnan et al.) and initiates a collaboration between the called party and the calling party based on a determination that the calling party accepts the collaboration request; As shown in FIG. 1, the SSP 16 may be loaded with software (computer executable code) from a computer readable media such as a floppy disk 24 adapting the SSP 16 to perform the functions and methods of the supervisory system 20 described. [0031-Bernnan]
a processor that runs the program. There is provided a computer readable medium containing computer executable code which adapts a processor for a communication system to perform the method. [0009].

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitra Kianersi whose telephone number is (571)272-3915. The examiner can normally be reached on 8:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mitra Kianersi/
Examiner, Art Unit 2445
04/17/2009

/Patrice Winder/
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